IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Bail Appl..No. 2171 of 2007()

(CRIME NO.327/2006 OF THIRUVANANTHAPURAM MUSEUM POLICE STATION)

PETITIONERS/ACCUSED 3, 4 & 5:

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1. JOSEPH MATHEW, S/O.MATHEW, THARAPPEL HOUSE, PARAPALLY, PALA.

2. MATHEWKUTTY, S/O.MATHEWS, KUZHINJALIL HOUSE, KADANADU KARA.

3. BINU JACOB, S/O.JACOB, THANNICKAL HOUSE, MARYLAND P.O., PALA.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE, MUSEUM POLICE STATION, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2171 OF 2007

Dated this the 12th day of April, 2007

O R D E R

Petitioners, who are accused Nos.3, 4 and 5 in Crime No.327/06 of Museum Police Station, Thiruvananthapuram for offences punishable under Sections 406 and 420 read with section 34 IPC, seek anticipatory bail.

2. The case of the prosecution is that the first accused with the aid of the other accused persons, by using forged documents, filed a suit claiming Rs.35 lakhs against the defacto complainant, who is a C.M.I. Priest conducting a Trust.

3. The learned Public Prosecutor opposed the application.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioners shall surrender before the investigating officer on any day between 19-4-2007 and 21-04-2007 for the purpose of interrogation and recovery of incriminating material, if any. The petitioners shall, thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall release the petitioners on bail on appropriate conditions.

This petition is disposed of as above.

(V. RAMKUMAR, JUDGE)

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